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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 IN RE TRANSPACIFIC PASSENGER AIR
TRANSPORTATION ANTITRUST LITIGATION

Case No.: 3:07-CV-05634-CRB
MDL No. 1913

Assigned to Hon. Charles R. Breyer

SUPPLEMENTAL DECLARATION OF
PAUL L. YDE CORRECTING THE
AUGUST 15, 2011 DECLARATION OF
PAUL L. YDE IN SUPPORT OF
DEFENDANT CONTINENTAL
AIRLINES, INC.'S MOTION TO DISMISS
FIRST AMENDED CONSOLIDATED
CLASS ACTION COMPLAINT
PURSUANT TO F.R.C.P. 12(B)(1)

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25 This Document Relates To: ALL ACTIONS
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Date: September 30, 2011
Time: 10:00 a.m.
Judge: Honorable Charles R. Breyer
Courtroom: No. 8, 19th Floor

1 I, Paul L. Yde, declare as follows:

2 1. I am a member of the Bar of the District of Columbia Court of Appeals, and am
3 admitted on a *pro hac vice* basis to practice before this Court in the above-captioned case. I am a
4 partner with the law firm of Freshfields Bruckhaus Deringer US LLP, attorneys for Defendant
5 Continental Airlines, Inc. (“Continental”). I make this declaration in support of Continental’s
6 Motion to Dismiss the First Amended Class Action Complaint Pursuant to F.R.C.P. 12(b)(1)
7 (“the 12(b)(1) Motion to Dismiss”). I am familiar with and have personal knowledge of the
8 pleadings and proceedings in this case and the facts set forth in this declaration, and, if called to
9 do so, could and would testify competently to those facts.

10 2. I executed a declaration on August 15, 2011 (“the August 15 Declaration”) in
11 support of Continental’s 12(b)(1) Motion to Dismiss which was filed in the above-captioned case
12 on the same date. (August 15 Declaration at Dkt. No. 521¹; 12(b)(1) Motion to Dismiss at Dkt.
13 No. 520.)

14 3. The August 15 Declaration contained two unintentional errors regarding dates,
15 which I correct below.

16 4. Paragraph 4 of the August 15 Declaration states, in part, that “Continental filed a
17 motion to dismiss within 21 days of service.” In fact, Continental filed its initial motion to
18 dismiss in this matter on October 2, 2009 (3:08-md-01913, Dkt. No. 84) pursuant to a 30-day
19 stipulated extension of time (*see* Dkt. No. 219). The 12(b)(1) Motion to Dismiss repeats this
20 error at page 3, lines 6-7.

21 5. Paragraph 7 of the August 15 Declaration states, in part, that “[s]tarting in August
22 2009, I have requested that Plaintiffs provide a copy of the full Japanese language email in
23 question.” In fact, my associate first contacted Plaintiffs’ counsel on my behalf to set up a call to
24 discuss this matter in August 2009, but I first requested that Plaintiffs provide this document
25 during a conference call on September 15, 2009, not in August 2009. The 12(b)(1) Motion to
26 Dismiss repeats this error at page 3, n.8 and page 9, n.16.

27
28 ¹ All docket number references refer to the 3:07-cv-05634 docket, *unless otherwise noted*.

6. Both errors listed above were made inadvertently, and at the time I executed the August 15 Declaration, I believed the errors to be true facts.

7. I apologize for any inconvenience these errors may have caused the Court or opposing counsel.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this Declaration was executed on August 19, 2011, in Washington, D.C.

Paul L. Yde